

# THE CASE

## OF Mary Watkinson,

*Mother of Hannah Gooding (late Hannah Knight) an Infant and Thomas Gooding  
Son of Serjant Gooding.*

**U**PON the Marriage of the said *Mary* with *John Knight*, Esq; her late Husband deceased, who had with her Five thousand pounds Portion, there was a Settlement made for a Joynter for her, and a Term of Five hundred Years vested in Trustees for raising of Portions for Daughters, and if but one, and no Issue Male, then to raise Five thousand pounds Portion for such Daughter payable at the day of Marriage, or One and twenty Years, with such maintenance as the Trustees should think fit, not Exceeding Sixty pounds per Annum.

Now the said *John Knight* had Issue only one Daughter, the afore-named Infant.

And the said *John Knight* dying about May, One thousand six hundred ninty and three, his Relations used his Widow very hard and unkindly, which caused her to hassen back to her Father who lived at *Chelsea* in *Middlesex*, from whence she applied her self to the surviving Trustees of the Infants Estate for a maintenance suitable to her Daughters Fortune, whom she had put with a Maid to wait on her to a noted Boarding School in the same Town of *Chelsea*, and under the conduct of one Mrs. *Priest*, to whom she gave Thirty five pounds per Annum for her said Daughter and Maids Diet, and Five pounds for Wages, besides the charge of her Cloaths, and other incident expences of the School which amounted to a considerable Sum, and therefore expected an allowance in some proportion answerable thereto from the said Trustees, but after much solicitation and attendance could prevail with them but for Forty pounds a Year, and of that never had but two Payments, in all amounting to Eighty pounds, tho' the Infants Father hath been dead almost four Years.

And having placed her said Child at this Boarding School, she resolved to have kept her there till her Years of discretion, not having the least thought or intention of Marrying her, till finding endeavours were used by her late Husbands Relations (*viz.*) *Ann Knight* his Sister, *Bridget Taylor* one of the Trustees Daughters, and others, to take her away from the said School, so that for her preservation she brought her home to her self, where the like attempts were still made, and Servants tampered with to betray her to them, and this she did for no other cause or end, but that her Child might not become a prey to those who seemed more concerned for her Portion then her Person: Under this difficulty she consulted with her Friends what was to be done to secure her Child, and at last determined, that if she could find a convenient March she would Marry her: After this having a Proposal made to her of Mr. *Thomas Gooding* the Serjants Son, and having a good account of the Serjant, did admit his said Son to see her Daughter, and after several meetings of the Son, which as she believes was without the knowledg of the Serjant, did direct the Serjant to be sent for to Treat with him concerning his Son, who coming to her, declared his unwillingness to Treat with her singly being a Woman, but rather with her Friends, to whom he would make his Proposals, what he would do for his Son and for settling her Daughters Portion, and making a provision for her in case they Married. Whereupon she appointed one Mr. *Whitehead* an Attorney, and Mr. *Mountney* to Treat with the Serjant, who proposed to them to lay out her Childs Fortune (when paid) in purchase of Lands of Inheritance to be settled as a Joynture, and in case she survived his Son without Issue, that the Estate so to be purchased, should come to her and her Heirs; Also the Serjant offered to settle his intrest in the Office of *Custos Brevium* of the Kings Bench on his Son immediately upon payment of the Portion, and to charge the said Office with Fifty pounds per Annum, more, as a farther provision for her said Child, with which Proposals she being acquainted, with the advice of her Friends, whom she consulted therein, she and they were well satisfied, and looked upon her Daughter to be thereby well provided for, in case the Marriage took effect. Upon which the afore mentioned Proposals being accepted, they were reduced into Articles, and by advice of her Council settled and executed by the Serjant: Whereupon a License for their Marriage was taken out by her the latter end of September last; at which time she did apprehend and so declared her Daughter to be about Twelve Years of Age, and soon after, that is to say, about the beginning of October last, they were with her consent and approbation publickly Married, and hopes and desires the same may not be avoided or disannulled, conceiving the same to be for her Childs preferment, and not in the least to her disparagment or inconvenience.

*The Case so far as it concerns the said Serjant and his Son, is as followeth, Viz.*

That the Serjant's said Son (whom he hath bredd in *Grays Inn* a Student, and is almost at Bar standing) having incouragment from the said Mrs. *Watkinson*, the Infants Mother to Marry her said Daughter, had several meetings with the Mother concerning his Marriage with her without the privy or knowledg of the Serjant, which the Mother promord so soon through the unkindness she had from her late Husband's Relations and several attempts to take her said Child from her by indirect means, as is presumed either to Marry her to some one of their own Relations, or detain her Portion from her, till her age of One and Twenty, for the benefit of her Uncle the Heir at Law.

In which the Serjant hopes he hath done nothing unfaire, or otherwise then any Father might justifiably do for his Child, having the Mother's consent and approbation therein, who was her Childs proper Guardian both by Nature and Law, and had the sole disposing of her, which (as presumed) she hath done without any the least Wrong or Disparagment.

**Object.** And whereas it is Objected, That the said Serjant knew there was a Bill depending against the Mother and her Husband to take the guardianship of the Child from the Mother, by reason of her now Mariage, and the Serjant was privy thereto being of Council with the Defendants and his hand to their answer.

**Resp.** 'Tis true he did peruse the Defendants Answer tho' then a stranger to all the Parties, and looked upon the Bill to have no Equity therein, whereupon to ground a Decree for to take away the Child from the Mother, to whom the Laws and Customs of this Realm have intrusted her care, education, and disposal.

**Hillar. Terme last.** That in *Hillar* Term last the Surviving Trustees for the Infants Portion, exhibited a Petition to the Lord Keeper against Mrs. *Watkinson* and her Husband concerning the Infant, who ordered thereupon that *Watkinson*, and his Wife, and Mr. *Serjant Gooding* should appear before him with the Infant the next day of Petitions.

**12 of March following.** They attended with the Infant accordingly, where the Petitioners reading Affidavits that were not filed, his Lordship Ordered the same to be filed, and though the Defendants were ready with their Witneses to make their Defence, his Lordship did think fit that both sides should file their Affidavits by *Tuesday* noon following, and to be heard on the *Thursday* after.

**18 March.** Both sides appeared, and the Infant was brought into Court; but before the Cause came on, she was conveyed away, and as is supposed by one *Jane Pasmore*, who about Five Years since was a servant to the Serjant: The Serjant, his Wife, her Sister, and several of his Servants were Examined whether they knew of, or were contriving to the taking away of the Infant, who all denied it, nor did, or do know any thing thereof.

As to the Son's Swearing upon the Mothers takeing out the License for Marriage, that the Infant was about Twelve Years of age, tho the same be not material or essential to the Marriage, or License, where the Parent appears, he was induced thereunto from what the Mother then declared before the Judge that took the Oath at *Drs. Commons*, and also before and after, often declared to him, his Father and Mother, that the Infant was about Twelve Years old, as she really beleived, and also the said Trustees in their Bill exhibited in *July* last set forth, that she was then about Ten Years old, which at *Christmas* following would be Eleven. It being agreed on all sides that she was born about *Christmas*.

As to the Mariage, *Infra Annos nobiles*, with the consent of the Father or Mother, that it is good, there are abundance of presidents, and every days experience. The Wife is Dowable, it must be certified by the Bishop a good Marriage. And also the Husband hath his Action *de uxore abducta cum bonis viri*, of a Wife, *Infra Annos nobiles*.

All which having been transacted both according to the ancient Laws and frequent usage of this Kingdom, it is hoped no Fault can be imputed where neither the known Laws, nor common Practice in like Cases have yet found any.

All which the Peritioners are ready to make out upon Oath before your Lordships at the Barr of this most Honourable House.